

REMARKS

This Amendment is responsive to the Office Action dated June 9, 2004. Claims 1-24 were pending in the application. In the Office Action, claims 1-24 were rejected. In this Amendment, claims 1-24 have been amended. Claims 1-24 thus remain for consideration

Applicants submit that claims 1-24 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Title

Applicants have changed the title to a new title as suggested by the Examiner.

Applicants submit that the new title is clearly indicative of the invention to which the claims are directed.

§112 Rejections

Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claim 5 and submit that claim 5 is now in compliance with §112. Accordingly, Applicants request that the rejection under §112 be withdrawn.

§102 and 103 Rejections

Claims 1-8 and 10-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Shima (U.S. Patent No. 5,673,357).

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shima as applied to claim 1, and further in view of Tanaka et al. (U.S. Patent No. 6,298,355).

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Applicants submit that the independent claims (claims 1, 10, 12, 16, 20 and 24) are patentable over Shima and Tanaka.

Applicants' invention as recited in the independent claims is directed toward a data processing system, a data processing method and an information signal processed by a data processing system. Each of the claims recites two types of copy control information, wherein one type specifies the copy control state of data in greater detail than the other type. Further, each of the claims recites that the less detailed copy control information is stored in the header of a data packet while the more detailed copy control information is stored in the data portion of the data packet. For example, claim 1 recites in pertinent part: "setting means that sets the first copy control information showing the copy control state of data in a header of a data packet and the second copy control information showing the copy control state of said data set in greater detail than said first copy control information in a data portion of said data packet."

Neither Shima nor Tanaka discloses two types of copy control information wherein one type specifies the copy control state of data in greater detail than the other type. Further, neither Shima nor Tanaka discloses that the less detailed copy control information is stored in the header of a data packet while the more detailed copy control information is stored in the data portion of the data packet. In particular, Applicants wish to comment on the Shima reference.

Shima discloses that a copyright management system adds copyright information to a digital signal to be stored and adds other copyright information to a signal to be output to an interface. The copyright information added to the signal to be stored and the copyright information added to the signal to be output to the interface designate different states but use the same system codes, namely SCMS codes (Serial Copy Management System codes). One is re-designated from

the other, and both are inserted in a sub-code of a header. Thus, in Shima one copy control information does not specify the copy control state of data in greater detail than the other type of copy control information, but rather, one copy control information specifies the copy control state of data at the same level of detail as the other copy control information. Moreover, Shima does not store one copy control information in the header of a data packet and the other copy control information in the data portion of the data packet, but rather, stores both in a sub-code of a header.

Since neither Shima nor Tanaka discloses two types of copy control information wherein one type specifies the copy control state of data in greater detail than the other type, let alone discloses that less detailed copy control information is stored in the header of a data packet while more detailed copy control information is stored in the data portion of the data packet, Applicants believe that claims 1, 10, 12, 16, 20 and 24 are patentable over Shima and Tanaka – taken either alone or in combination – on at least this basis.

Claims 2-9 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-9 are believed to be patentable over the cited references based at least on their dependency on claim 1.

Claim 11 depends on claim 12. Since claim 12 is believed to be patentable over the cited references, claim 11 is believed to be patentable over the cited references based at least on its dependency on claim 12.

Claims 13-15 depend on claim 12. Since claim 12 is believed to be patentable over the cited references, claims 13-15 are believed to be patentable over the cited references based at least on their dependency on claim 12.

Claims 17-19 depend on claim 16. Since claim 16 is believed to be patentable over the cited references, claims 17-19 are believed to be patentable over the cited references based at least on their dependency on claim 16.

Claims 21-23 depend on claim 20. Since claim 20 is believed to be patentable over the cited references, claims 21-23 are believed to be patentable over the cited references based at least on their dependency on claim 20.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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